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Attorney for Defendant
DWIGHT GILCHRIST

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 06-0538 SI
)	
Plaintiff,)	
)	STIPULATON AND PROTECTIVE
v.)	ORDER RE: PRODUCTION OF
)	CONTACT INFORMATION FOR
DWIGHT GILCHRIST,)	WITNESSES
)	
Defendant.)	

Plaintiff and defendant, through their attorneys of record, hereby stipulate as follows:

1. The charges in this case involve allegations under 18 U.S.C. § 1344(1) & (2) (bank fraud) and 18 U.S.C. § 656 (embezzlement of bank funds). The Government alleges that some or all of the alleged acts were committed by means of identity theft and, as a result, the Government believes that the proposed protective order is necessary to prevent certain information from being disseminated to the defendant. Specifically, the Government wishes not to disclose to the defendant certain contact information concerning various witnesses in this case. For that reason, the initial discovery produced to defense counsel (particularly the FBI-302 reports) redacted witness contact information that the Government had obtained and included in the unredacted reports.

2. Defendant and his counsel deny that any person would be endangered or harmed by the defendant's possession of the information. The parties agree that no inference should be drawn about defendant's actions or motives because of their agreement to enter into this stipulation.

1 3. The parties agree that the following conditions, if ordered by the Court, should serve the
2 Government's interests while permitting the defense to obtain discovery necessary to effectively
3 prepare the case. Accordingly, the parties jointly request that the Court order as follows:

4 a. For purposes of this Order, the term "defense team" refers to counsel for the
5 defendant, paralegals assisting counsel with this case, and defense investigators assisting
6 counsel with this case. For purposes of this Order, the term "defense team" does not
7 include the defendant.

8 b. The Government is authorized to provide to the defense team unredacted copies of
9 the discovery documents and materials which disclose to the defense team the contact
10 information for the witnesses. This contact information shall not include items such as
11 driver's license numbers and social security numbers, which information shall remain
12 redacted unless otherwise agreed by the parties. The Government may designate these
13 unredacted discovery documents and materials as "Confidential Discovery" to be
14 governed by the terms of this protective order.

15 c. The defense team shall not permit anyone, including defendant, to view or have
16 physical possession of Confidential Discovery pursuant to this Order other than the
17 defense team.

18 d. The defense team shall not permit Confidential Discovery provided pursuant to
19 this Order to be outside of the defense team's offices, homes, vehicles or personal
20 presence.

21 e. In the event that defendant's counsel believes that an item identified as
22 Confidential Discovery covered by this protective order needs to be disclosed to the
23 defendant, defendant's counsel shall first meet and confer with the Government in an
24 effort to reach a stipulation and proposed order to exempt the item from the protective
25 order. If the Government and defendant's counsel are unable to reach such an agreement,
26 then defendant's counsel may apply to this Court for relief from the protective order as to
27 the item at issue. This procedure is not intended to alter in any way the otherwise
28 applicable law relating to the showing that must be made by any party seeking a

protective order or relief therefrom.

IT IS SO STIPULATED.

Dated: December 5, 2006

/S/ Mark R. Vermeulen
Mark R. Vermeulen
Attorney for Defendant
DWIGHT GILCHRIST

Dated: December 5, 2006

Kevin V. Ryan
United States Attorney

/S/ Stacey P. Geis
Stacey P. Geis
Assistant United States Attorney


ORDER

Based on the foregoing, and good cause appearing, IT IS HEREBY ORDERED that the Government is authorized to disclose discovery to the defense and may designate discovery to be governed by this protective order as Confidential Discovery.

IT IS FURTHER ORDERED that the parties shall comply with the conditions set forth in paragraphs 3(a)-(e) of this stipulation and order.

IT IS SO ORDERED.

Dated: December ___, 2006


SUSAN ILLSTON
United States District Judge